



Delaware Nutrient Management



The Delaware Nutrient Management Commission Rules and Regulation Minutes of the Meeting Held December 5, 2006

In attendance:

<i>Commission Members Present</i>	<i>Others Present</i>
E. Lewandowski, Chairman	K. Blessing
D. Baker	J. Manchester
A. Johnson	B. O'Neill
T. Keen	K. Bunting-Howarth
B. Vanderwende	B. Coleman
	P. Diehl
<i>Commission Members Absent</i>	K. Foskey
C. Larimore	T. Garrahan
<i>Ex-officios Present</i>	D. Hansen
W. Rohrer	S. Hollenbeck
	S. Kepfer
	K. Rankine

This meeting was properly notified and posted as required by law.

Minutes:

Call to Order/Welcome

Chairman Ed Lewandowski called the meeting to order at 6:40 p.m. and welcomed those in attendance.

Approval of Minutes:

B. Vanderwende motioned to approve the November 6, 2006 Rules and Regulations Subcommittee meeting minutes. Motion seconded by D. Baker and carried unanimously.

Discussion and Action Items:

Review and act on certification regulation:

B. Rohrer summarized written comments received (TruGreen ChemLawn, DNREC, email from Bill Angstadt). Kevin Rankine, representative of TruGreen ChemLawn led discussion dealing with Lawn Care Industry. He requested that a waiver process be initiated for lawn care companies dealing with individual clients. He stated that proposed legislation would be cumbersome for these smaller applications. Further, he explained that applications contain no phosphorus, are 100% soluble, and contain no coated materials. B. O'Neill pointed out that soil samples and nutrient management plan requirements should be necessary to gain exemption or waiver; regardless of participant size. The committee discussed the challenges with lawn care companies and concluded that moving the December deadline to December 7 will accomplish the same objectives as December 1. *The Committee agreed to December 7.* E. Lewandowski stated that the challenge lies in trying to write regulations that will work for the turf grass industry as well as the agricultural industry. K. Blessing was worried that the amount of complaints generated by allowing exemptions might be troublesome for the Commission. B. Rohrer feels that the Commission would be dealing with a handful of isolated complaints. He stated that we would investigate the nutrient management plan held by the violator to ensure winter application is included. He stated that complaints would more than likely be limited to manure application. K. Blessing added that there are locations and scenarios

2320 S. DuPont Highway • Dover, DE 19901 • (800) 282-8685 (DE Only) • (302) 698-4500 • Fax (302) 697-4768

Website: www.state.deptagri • Email: nutrient.management@state.de.us •

where the violator would have had no choice but to apply in winter months. He stated that he is fearful that interpretations will change in the future. deletion

There was a discussion about nitrogen application on small grain crops and different scenarios that would need additional flexibility. The committee agreed to adopt the following variance language:

6.3 An exemption is hereby established for the application of Nitrogen to small grain crops that receive more than 43 lbs/acre provided that the application rate is documented in the nutrient management plan and the annual report.

There was a discussion about animal feeding operations that may be limited and have to apply manure in the winter. The committee agreed to adopt the following variance language:

6.4 An exemption is hereby established for animal feeding operations that are limited by manure storage providing the application rate is documented in the nutrient management plan and the annual report.

D. Baker motioned to bring amended regulations before Full Commission.

B. Vanderwende seconded the motion, which carried unanimously.

Public Comments: NONE

Next Meeting: NONE

Adjournment:

Chairman Lewandowski adjourned the meeting at 8:47 p.m.

Approved,

Ed Lewandowski, Chair
Rules & Regulations Subcommittee

BRR/psd